

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to adopt the following DCYF rule:

ESCAPE

This new rule, in compliance with the federal court order relating to RI Training School residents and the accreditation standards of the American Correctional Association for Juvenile Training Schools and Juvenile Detention Facilities, identifies procedures for responding to any escape by a resident of the RI Training School as well as residents on Temporary Community Placement.

In the development of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401-528-3685). Interested persons should submit data, views or written comments by January 23, 2011 to Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Escape

Rhode Island Department of Children, Youth and Families
Division of Juvenile Correctional Services: Training School

Policy: 1200.1608

Effective Date:

Version: 1

The Family Court remands residents to the care, custody and control of the Training School and determines whether the residents serve their sentence at the Training School or in Temporary Community Placement. Residents who leave either the Training School or Temporary Community Placement (TCP) without permission may be charged with escape. Residents are informed of the seriousness of this offense and the penalties for it imposed by Rhode Island General Law 11-25-16. Notification to family, the RITS Master Control Center (MCC), law enforcement and the Attorney General is necessary to apprehend the resident as well as to protect him or her and ensure community safety.

Related Procedure

Escape

Related Policy

Use of Physical Force or Corporal Punishment
Use of Restraint at the RI Training School

Escape

Procedure from Policy 1200.1608: Escape

- A. Providing notice to residents of the penalties for escape
1. The provisions of RI General Law 11-25-16 pertaining to escape are explained to residents of the Training School (RITS) within forty-eight (48) hours of admission.
 - a. Resident certifies that he/she understands the provisions of the law by signing the Escape Act Form.
 - b. The signature is dated and witnessed by staff.
 - c. The form is filed in the resident's permanent record.
 2. The provisions of RI General Law 11-25-16 pertaining to escape are explained to residents placed on Temporary Community Placement (TCP) by the primary worker before leaving the RITS.
 - a. Resident certifies that he/she understands the penalties for escape by signing the conditions of the TCP Contract.
 - b. The signature is dated and witnessed by the primary service worker.
 - c. The form is filed in the resident's permanent record.
- B. Escape from the RITS
1. Staff observing or discovering an escape notify the Master Control Center (MCC)
 2. The MCC notifies the following offices in the order listed below.
 - a. The Police Department in the city in which the escape occurs;
 - b. RI State Police;
 - c. Administrator or Administrator-on-Call;
 - d. Parent or guardian;
 - e. RITS Nurse between 7:00 AM and 11:00 PM daily;
 - f. Department of Children, Youth and Families (DCYF), Child Protective Services (CPS) Hotline
 3. Notice includes the escapee's name, date of birth, physical description, time of escape, home address and any other pertinent information.
 4. Staff do not pursue an escapee if the remaining residents will be left with inadequate supervision. In all other instances, staff attempt to apprehend escapees. In apprehending an escapee, staff comply with DCYF Policy 1200.1207, Use of Physical Force or Corporal Punishment and DCYF Policy 1200.0832: Use of Restraint at the RI Training School.
 5. Residents are never asked to assist in the apprehension of an escapee.
 6. Staff who are directly involved or who witness an escape complete an Unusual Incident Report and Escape Witness Form (Form # 042), which are forwarded to the Superintendent or designee.
 7. If warranted, the Superintendent conducts an investigation.
 - a. Staff may be interviewed by the Superintendent or designee to discover the facts of the escape.
 - b. The purpose of this investigation is to ascertain facts relevant to this escape and assist in preventing further escapes.
 8. Upon receiving a resident returning from escape status, the Superintendent or Administrator on Call determines the unit assignment.
 - a. A strip search is conducted.
 - b. Necessary medical care is provided.
 - c. The MCC contacts the following offices in the order listed below:
 - i. The Police Department in the city in which the escape occurred;
 - ii. RI State Police;
 - iii. Administrator or Administrator-on-Call;
 - iv. Parent or guardian;
 - v. The RITS Nurse between 7:00 AM and 11:00 PM daily;
 - vi. DCYF CPS Hotline

9. Staff receiving the resident completes an Unusual Incident Report and an Escape Witness Form (Form #. 042) which are forwarded to the Superintendent or designee.

C. Escape from TCP:

1. The provider notifies the Probation Officer/Supervisor that the resident is Absent Without Leave (AWOL). If the Probation Officer/Supervisor is not available, the provider leaves a message.
2. The provider notifies the MCC that a resident is AWOL.
3. The provider files a missing person report with the local Police Department.
 - a. The provider does not identify the resident as an escapee of the Training School.
 - b. The provider directs the Police to the MCC to clarify or confirm if the resident is on TCP.
4. The MCC reviews the RICHIST record to determine if the youth identified as AWOL is on TCP.
 - a. If the youth is on TCP, the MCC informs the law enforcement agency of this status and advises that he/she should be returned to the RITS.
 - b. If the youth is not on TCP, the MCC informs the law enforcement agency of this status and advises that he/she cannot be held at the RITS.
5. If advised that an AWOL resident not on TCP has been apprehended, the MCC:
 - a. Contacts the provider.
 - b. Contacts the CPS Hotline if the provider no longer has an available bed.
6. The MCC notifies the Probation Officer/Supervisor of the incident and the outcome.

D. The MCC notifies the office of the Attorney General of any escape from the RITS or an escape TCP after normal business hours. The Probation Officer notifies the Office of the Attorney General of an escape from TCP during normal business hours.

E. Paragraphs A – D are consistent with American Correctional Association Standards 3-JDF-3A-16; 3-JDF-3A-30; 3-JDF-3B-13; 3-JDF-3C-09; 3-JTS-3A-16; 3-JTS-3A-31; 3-JTS-3C-09 and 3-JTS-3B-15.